

EXHIBIT C

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

DONALD AGEE, JR. et al.,

Plaintiffs,

v.

JOCELYN BENSON, et al.,

Defendants.

Case No. 1:22-CV-00272-PLM-RMK-JTN

**THE COMMISSION'S
INITIAL DISCLOSURES**

Defendants Michigan Independent Citizens Redistricting Commission, Douglas Clark, Juanita Curry, Anthony Eid, Rhonda Lange, Steven Terry Lett, Brittnei Kellom, Cynthia Orton, M.C. Rothhorn, Rebecca Szetela, Janice Vallette, Erin Wagner, Richard Weiss, and Dustin Witjes, each in his or her official capacity as a Commissioner of the Commission (collectively, the “**Commission**”), hereby provide their Initial Disclosures under Federal Rule of Civil Procedure 26(a)(1).

The Commission makes these initial disclosures based upon information reasonably known to or obtained by the Commission as of the date below. The Commission’s investigation is ongoing and, accordingly, the Commission reserves the right to modify, amend, or otherwise supplement these disclosures, either through express supplements to these disclosures or through responses to formal discovery, as additional information becomes available during the course of this lawsuit or in the event that one or more witnesses becomes unavailable and others must be substituted.

The Commission’s initial disclosures are made without in any way waiving: (1) the right to object on the grounds of competency, privilege, relevancy and materiality, hearsay, or any other proper ground, to the use of any such information, for any purpose, in whole or

in part, in any subsequent proceeding in this action or any other action; and (2) the right to object on any and all grounds, at any time, to any discovery request or proceeding involving or relating to the subject matter of these initial disclosures. These disclosures do not constitute an admission by the Commission regarding any matter. All disclosures set forth below are subject to these qualifications.

Each of the following initial disclosures is made subject to any and all objections, including but not limited to competency, materiality, relevancy, admissibility, or any other grounds that would require their exclusion in any proceeding. Any and all such objections and grounds therefore are expressly reserved and may be interposed at any time. The Commission generally asserts the attorney-client privilege and the work product doctrine as to any and all relevant documents that are subject to such privilege and doctrine. To the extent any initial disclosure contains or refers to matters otherwise protected from discovery by the attorney-client privilege, the work product doctrine, or any other relevant privilege, no waiver is intended, nor is any waiver intended as to any other matters which are or may be subject to such protection or otherwise privileged, nor is the relevancy of any such matter conceded.

Except for the explicit facts stated herein, no incidental or implied admissions are intended. The Commission submits these initial disclosures solely in compliance with Federal Rule of Civil Procedure 26(a)(1), and these initial disclosures are solely for the purpose of this action.

I. Individuals Likely to Have Discoverable Information

Pursuant to Federal Rule of Civil Procedure 26(a)(1)(A)(i), the names and, if known, addresses and telephone numbers, of each individual likely to have discoverable information

the Commission may use in support of its claims or defenses are as follows, excluding impeachment and expert witnesses:

- A. Commissioner Douglas Clark. Commissioner Clark may have discoverable information relating to the 2021 redistricting process for the Michigan House of Representatives and Michigan Senate. He may be contacted through undersigned counsel.
- B. Commissioner Juanita Curry. Commissioner Curry may have discoverable information relating to the 2021 redistricting process for the Michigan House of Representatives and Michigan Senate. She may be contacted through undersigned counsel.
- C. Commissioner Anthony Eid. Commissioner Eid may have discoverable information relating to the 2021 redistricting process for the Michigan House of Representatives and Michigan Senate. He may be contacted through undersigned counsel.
- D. Commissioner Rhonda Lange. Commissioner Lange may have discoverable information relating to the 2021 redistricting process for the Michigan House of Representatives and Michigan Senate. She may be contacted through undersigned counsel.
- E. Commissioner Steven Terry Lett. Commissioner Lett may have discoverable information relating to the 2021 redistricting process for the Michigan House of Representatives and Michigan Senate. He may be contacted through undersigned counsel.
- F. Commissioner Brittni Kellom. Commissioner Kellom may have discoverable information relating to the 2021 redistricting process for the Michigan House of Representatives and Michigan Senate. She may be contacted through undersigned counsel.
- G. Commissioner Cynthia Orton. Commissioner Orton may have discoverable information relating to the 2021 redistricting process for the Michigan House of Representatives and Michigan Senate. She may be contacted through undersigned counsel.
- H. Commissioner M.C. Rothhorn. Commissioner Rothhorn may have discoverable information relating to the 2021 redistricting process for the Michigan House of Representatives and Michigan Senate. He may be contacted through undersigned counsel.
- I. Commissioner Rebecca Szetela. Commissioner Szetela may have discoverable information relating to the 2021 redistricting process for the Michigan House

of Representatives and Michigan Senate. She may be contacted through undersigned counsel.

- J. Commissioner Janice Vallette. Commissioner Vallette may have discoverable information relating to the 2021 redistricting process for the Michigan House of Representatives and Michigan Senate. She may be contacted through undersigned counsel.
- K. Commissioner Erin Wagner. Commissioner Wagner may have discoverable information relating to the 2021 redistricting process for the Michigan House of Representatives and Michigan Senate. She may be contacted through undersigned counsel.
- L. Commissioner Richard Weiss. Commissioner Weiss may have discoverable information relating to the 2021 redistricting process for the Michigan House of Representatives and Michigan Senate. He may be contacted through undersigned counsel.
- M. Commissioner Dustin Witjes. Commissioner Witjes may have discoverable information relating to the 2021 redistricting process for the Michigan House of Representatives and Michigan Senate. He may be contacted through undersigned counsel.
- N. Kimball Brace, President of Election Data Services, Inc. Mr. Brace and Election Data Services, Inc. were retained by the Commission for line drawing and redistricting technical services, and may have discoverable information relating to the 2021 redistricting process for the Michigan House of Representatives and Michigan Senate. He may be contacted through undersigned counsel.
- O. John Morgan, President of Applied Research Coordinates. Mr. Morgan was a subcontractor of Election Data Services, Inc., which was retained by the Commission for line drawing and redistricting technical services, and may have discoverable information relating to the 2021 redistricting process for the Michigan House of Representatives and Michigan Senate. He may be contacted through undersigned counsel.
- P. Kent Stigall. Mr. Stigall was a subcontractor of Election Data Services, Inc., which was retained by the Commission for line drawing and redistricting technical services, and may have discoverable information relating to the 2021 redistricting process for the Michigan House of Representatives and Michigan Senate. He may be contacted through undersigned counsel.
- Q. Dr. Lisa Handley. Dr. Handley was retained by the Commission to provide expert services relating to the 2021 redistricting process, and may have discoverable information relating to the 2021 redistricting process for the

Michigan House of Representatives and Michigan Senate. She may be contacted through undersigned counsel.

- R. Bruce L. Adelson, Esq. Mr. Adelson was retained by the Commission to provide expert services relating to the 2021 redistricting process, and may have discoverable information relating to the 2021 redistricting process for the Michigan House of Representatives and Michigan Senate. He may be contacted through undersigned counsel.
- S. Julianne V. Pastula, former General Counsel to the Commission. Ms. Pastula was employed by the Commission during the 2021 redistricting process, and may have discoverable information relating to the 2021 redistricting process for the Michigan House of Representatives and Michigan Senate. She may be contacted through undersigned counsel.
- T. Suann Hammersmith, former Executive Director of the Commission. Ms. Hammersmith was employed by the Commission during the 2021 redistricting process, and may have discoverable information relating to the 2021 redistricting process for the Michigan House of Representatives and Michigan Senate. She may be contacted through undersigned counsel.
- U. Edward Woods III, Executive Director for the Commission. Mr. Woods was employed by the Commission during the 2021 redistricting process, and may have discoverable information relating to the 2021 redistricting process for the Michigan House of Representatives and Michigan Senate. He may be contacted through undersigned counsel.
- V. Dr. Moon Duchin, MGGG Redistricting Lab. Dr. Duchin prepared reports summarizing community of interests extracted from public comment submitted to the Commission during the 2021 redistricting process, and may have discoverable information relating to the 2021 redistricting process for the Michigan House of Representatives and Michigan Senate. Phone: 617.627.5970. Address: Tufts University, Tisch College, Barnum Hall, 163 Packard Ave, Medford, MA 02155.
- W. Custodian of record for the Commission. This individual may have discoverable information relating to the official public records for the 2021 redistricting process for the Michigan House of Representatives and Michigan Senate, including authentication of those records.
- X. Plaintiffs Donald Agee, Jr., Jerome Bennett, Dennis Leory Black, Jr., Jamee Burbridge, Beverly Ann Burrell, Jemell Cotton, Teresa Dubose, Karen Ferguson, Michelle Keeble, Kimberly Hill Knott, Barbara Gail London, Norma McDaniel, Glenda McDonald, Janet Marie Overall, Shirley L. Radden, Davonte Sherard, Michelle T. Smith, Kenyetta Snapp, Donyale Stephen-Atara, and Tanesha Wilson. Plaintiffs will have discoverable information relating to the claims in the Amended Complaint and the 2021

redistricting process for the Michigan House of Representatives and Michigan Senate.

- Y. All individuals identified by Plaintiffs and Defendant Benson in their initial disclosures.

The Commission reserves the right to modify or supplement these disclosures, and to use or introduce any supplemental information or any subsequently identified or produced witnesses or documents at the trial of this action.

II. Documents

Pursuant to Federal Rule of Civil Procedure 26(a)(1)(A)(ii), the Commission believes that it may use the following categories of documents, electronically stored information, and tangible things, excluding items used solely for impeachment, in its possession, custody, or control to support its claims or defenses:

- A. The final Linden Plan and the accompanying data, statistics, and maps for the Plan.
- B. The final Hickory Plan and the accompanying data, statistics, and maps for the Plan.
- C. Transcripts of the hearings and meetings of the Commission related to the 2021 redistricting process.
- D. Public comments and testimony submitted to the Commission relating to the 2021 redistricting process.
- E. Final reports and analyses prepared by Dr. Lisa Handley related to the 2021 redistricting process.
- F. Final reports and analyses prepared by Mr. Bruce Adelson related to the 2021 redistricting process.
- G. Reports and analyses prepared by Dr. Moon Duchin and the MGGG Redistricting Lab related to the 2021 redistricting process.
- H. Other materials from the Commission's public records relating to the 2021 redistricting process.

The above are those documents, electronically stored information, and/or tangible things that the Commission can identify at this time. The Commission reserves the right to supplement this list.

III. Computation of Any Category of Damages

The Commission has not asserted a claim for damages in this action, and therefore makes no disclosure pursuant to Federal Rule of Civil Procedure 26(a)(1)(A)(iii).

IV. Applicable Insurance Agreements

None.

The Commission, in accordance with Federal Rule of Civil Procedure 26(a)(1), is making these initial disclosures based on the information now reasonably available. As discovery and investigation of the case continues, the Commission may become aware of additional damages or of facts, witnesses, and/or documents relevant to these proceedings of which it is not presently aware. Accordingly, the Commission reserves the right to modify, amend and/or supplement these disclosures as set forth herein.

Dated: November 23, 2022

Respectfully submitted,

/s/ Nathan J. Fink

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Szetela, Janice Vallette, Erin Wagner,
Richard Weiss, and Dustin Witjes, each
in his or her official capacity as a
Commissioner of the Michigan
Independent Citizens Redistricting
Commission*

CERTIFICATE OF SERVICE

I certify that on November 23, 2022, this document served via electronic mail on all counsel of record.

/s/ Nathan J. Fink

Nathan J. Fink